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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,491

02/26/2004

Mitsuaki Moritani

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10/02/2006

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EXAMINER

VY, HUNG T

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,491	<b>Applicant(s)</b> MORITANI ET AL.	
	<b>Examiner</b> Hung T. Vy	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 17-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/26/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. As of entry of the Applicant's response filed on 09/08/2006, claims 1-12 and 17-20 are pending in this application as result of the cancellation of claims 13-16.

### **Specification**

2. The specification has been checked to the extent necessary to determine the presence of possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### **Information Disclosure Statement**

3. The information disclosure statement (IDS) submitted on 02/06/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 8 and 17 recite the limitation "the respective content " in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 1, 8, and 17, the phrase "setting information defining display methods" renders the claims indefinite because it is not clear what are the display methods. Is that the display methods on user's interface or something else?.

Claims 2-11 and 18-20 depend from rejected claims 1, 8 and 17 thereby render these dependent claims indefinite.

**Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U. S. C. § 102 (e) as being anticipated by Ying et al. (U.S. Pub. No. 20030179223).

With respect to claim 1, as best understood, Ying et al. discloses a content management apparatus comprising: acquiring means for acquiring content information indicative of attributes of content respectively (clinical test) (see fig. 12 and paragraph 0054) stored in a plurality of storage devices (14 or 18) connected to a network (see fig. 1); and sorting means for, when creating list information of the respective content using the content information (see fig. 12) and displaying the list information in a unified format (see paragraph 0027), executing sort processing of the list information according to setting information defining display methods (see paragraph 0043).

7. Claim 1-12 and 17-20 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Grimes et al. (U.S. Pub. No. 20020057297).

With respect to claims 1, 8 and 17, as best understood, Grimes et al. discloses a content management apparatus comprising: acquiring means for acquiring content information indicative of attributes of content respectively (see figs. 5-7 and paragraph 0047) stored in a plurality of storage devices (20,28,62 or 33, see paragraph 0021, 0027,0034) connected to a network (see fig. 1,3); and sorting means for, when creating list information of the respective content using the content information (see fig. 5-7) and displaying the list information in a unified format (hyper-text markup language)(see paragraph 0044), executing sort processing of the list information according to setting information defining display methods (see paragraph 0044), creating display list information according to filter-setting information defining display methods (see fig. 12-13).

With respect to claims 2 and 18, Grimes et al. discloses the sorting means executes sort processing of the list information according to information in a setting file defining display methods for use when identical content is present (see paragraph 0043),using the information in the setting file as the setting information (see paragraph 0047).

With respect to claim 3, Grimes discloses the sorting means determines whether identical content information (categories) is present among the content information acquired by the acquiring means based on conditions (filter) for determining whether identical content is present (title), and executes designated sort processing of the list information including the identical content information (see paragraph 0047).

With respect to claim 4, Grimes discloses the sorting means determines whether identical content information is present among the content information acquired by the acquiring means according to judgment information (receive user filter 154) for determining whether identical content is present (using the filter)(see fig. 8), and executes designated sort processing of the list information including the identical content information according to information in a setting file defining display methods for use when identical content is present, using the information in the setting file as the setting information (see fig. 8).

With respect to claim 5, with best understood, Grimes discloses the setting information is information in a setting file containing information for determining, for each category of content (title), whether identical content is present and information defining display methods for use when identical content is present (see fig. 8).

With respect to claim 6, with best understood, Grimes discloses display means for displaying in list form the list information sorted by the sorting means (see fig. 12-13).

With respect to claims 7 and 19, with best understood, Grimes discloses sorting means is further operative for creating display list information according to filter-setting information (receive user filter 154) defining additional display method (see fig. 8).

With respect to claims 9, and 20, with best understood, Grimes discloses the sorting means executes processing in which content failing to meet a content reproduction condition defined by the filter-setting information (user defines the filter) is removed from the list information (see figs. 9-12).

With respect to claim 10, with best understood, Crimes discloses the sorting means creates the display list information defining a display style of content information of content failing to meet a content reproduction condition defined by the filter-setting information (user define the filter)(see figs. 8-12), which is different from a display style designated to other content information (the move category and music category in fig. 5 have different type displaying)(see fig. 5).

With respect to claim 11, with best understood, Crimes discloses the filter-setting information is information in a file defining, for each reproduction format of content, a permissible range of transmission speeds of a server managing content as a content reproduction condition, and each designation information of a display style for use when transmission speed of the server is outside the permissible range (see paragraph 0024-0025).

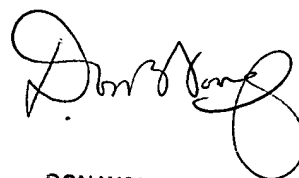
### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954. The examiner can normally be reached on 8.30am - 5.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Hung T. Vy  
Art Unit 2163  
September 21, 2006.